

QUESTION:

Morgan asks, “Can a session of Congress can simply expire, or does it require formal action by the House and Senate (a formal agreement to adjourn “sine die”)?”

RESPONSE:

The House and Senate are two separate bodies, and thus do not always require a formal agreement for adjournment at the end of a congress. Article One Section 5 says that “[n] either House, during a Session of Congress, shall, without the Consent of the other, adjourn for more than three days” If either chamber decides to adjourn for a period of more than three days, both of the Houses must, therefore, formally agree by to that adjournment by concurrent resolution.

For the end of a congress, the situation is different. According to the Twentieth Amendment, Section 1, “the terms of Senators and Representatives [shall end] at noon on the 3rd day of January.” Section 2 says that “[t]he Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.” Thus, a congress ends at noon on January 3rd of odd-numbered years. An official adjournment is not required by the Constitution; congressional terms simply end. However, each House normally adjourns “sine die,” (Latin for “without a day”), as its final act. The Speaker of the House and the president or president pro tempore of the Senate decides when each respective chamber adjourns “sine die.” If adjournment “sine die” is less than three days before the constitutional end of a congress, no formal agreement or concurrent resolution is required.

As an example, on the last day of the 110th Congress, January 3rd 2009, the House met at 11 a.m. and the House adjourned, by passing a joint resolution, sine die at 12 noon. That was the last act and moment of that session of that Congress.